



PATENT
Customer No. 22,852
Attorney Docket No. 3495.0010-01

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
) Group Art Unit: 1637
Marc ALIZON et al.)
) Examiner: Jeffrey Norman Fredman
Application No.: 07/158,652)
) Confirmation No.: 3369
Filed: February 22, 1988)
)
For: CLONED DNA SEQUENCE
RELATED TO THE GENOMIC
RNA OF HUMAN
IMMUNODEFFICIENCY VIRUS
TYPE 1 (HIV-1)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

06/06/2006 JADD01 00000042 07158652
02 FC:1814 130.00 OP

Sir:

TERMINAL DISCLAIMER

Assignee, the United States of America as represented by the Secretary of the Department of Health and Human Services having its principal place of business at 900 Rockville Pike, Bethesda, Maryland 20892, represents that it, together with Institut Pasteur of Paris, France, are the owners of 100% of the right, title and interest in and to the above-identified application. The United States of America as represented by the Secretary of the Department of Health and Human Services, further represents that it, together with Institut Pasteur of Paris, France, are the owners of 100% of the right, title and interest in and to U.S. Patent No. 6,627,395.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,627,395. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of Assignee, the United States of America as represented by the Secretary of the Department of Health and Human Services.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: *Jack Spiegel*

Name: JACK SPIEGEL (REG # 34,477)

Title: SENIOR ADVISOR FOR TECHNOLOGY TRANSFER OPERATIONS

Assignee: The United States of America
as represented by the Secretary
of the Department of Health and
Human Services

Dated: JUNE 5, 2006